

5/18/2021

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

v.

RODNEY TOLSON, JR.

§  
§  
§  
§  
CRIMINAL NO. 5:21-cr-952

DS

INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At various times relevant to the Indictment:

1. The United States Border Patrol (USBP) is an agency within the Department of Homeland Security. The primary mission of the USBP is to detect and prevent the illegal entry of individuals into the United States, facilitating the flow of legal immigration while preventing the illegal trafficking of people and contraband.
2. USBP maintains traffic checkpoints along highways leading away from border areas to detect and apprehend individuals attempting to travel further into the interior of the United States after evading detection at the border. USBP maintains a traffic checkpoint on Interstate Highway 35 (IH-35) 29 miles north of Laredo, Texas.
3. **RODNEY TOLSON, JR.** was a Border Patrol Agent (BPA) assigned to the Laredo Border Patrol Sector. Amongst other duties, as a BPA, **RODNEY TOLSON, JR.** was routinely assigned to the IH-35 checkpoint to perform lane inspections and other governmental functions.
4. The United States has a right to have its officers and employees, and particularly the personnel of USBP, free to transact the official business of the United States

unhindered, unhampered, unobstructed, and unimpaired by dishonest, corrupt, unlawful, and improper actions and omissions.

5. The United States has a right to the conscientious, loyal, faithful, disinterested, and unbiased services, decisions, actions, and performance of his duties by **RODNEY TOLSON, JR.** in his official capacity as a BPA, free from corruption, partiality, improper influence, bias, and dishonesty.

**COUNT ONE**

From on or about **February 9, 2019**, and continuing thereafter until on or about **March 26, 2019**, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

**RODNEY TOLSON, JR.,**

did knowingly conspire and agree with other persons known and unknown to the grand jurors, to transport and move and attempt to transport and move within the United States by means of transportation and otherwise, an alien who had come to, entered, and remained in the United States in violation of law, in furtherance of such violation,

**MANNER AND MEANS OF THE CONSPIRACY**

It was part of the conspiracy that the Defendant would by disloyal, dishonest, corrupt, unlawful, and improper actions and omissions, defraud the United States by interfering and obstructing the lawful governmental functions of the USBP, in that the Defendant, an others known and unknown, would coordinate the unlawful movement and transportation of aliens who had come to, entered, and remained in the United States in violation of law, and in furtherance of such violation.

It was part of the conspiracy that the Defendant, and others known and unknown, would coordinate lane assignments in order to facilitate and further the transportation and movement of aliens through the IH-35 checkpoint.

It was part of the conspiracy that the Defendant, and others known and unknown, would fail to inspect and fail to declare the nationality and status of aliens transported and moved through the IH-35 checkpoint.

It was part of the conspiracy that the Defendant, and others known and unknown, would receive monetary compensation and payment for their smuggling activities.

#### **OVERT ACTS**

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Southern District of Texas and elsewhere:

1. On or about February 9, 2019, the Defendant, using a cellular phone, informed others known and unknown of his inspection lane assignment;
2. On or about February 9, 2019, the Defendant corruptly allowed others known and unknown to unlawfully move and transport aliens through the IH-35 checkpoint;
3. On or about February 9, 2019, the Defendant, and others known and unknown, received monetary compensation and payment for their smuggling activities;
4. On or about February 16, 2019, the Defendant, using a cellular phone, informed others known and unknown of his inspection lane assignment;
5. On or about February 16, 2019, the Defendant corruptly allowed others known and unknown to unlawfully move and transport aliens through the IH-35 checkpoint;
6. On or about February 16, 2019, the Defendant, and others known and unknown, received monetary compensation and payment for their smuggling activities;

7. On or about March 2, 2019, the Defendant, using a cellular phone, informed others known and unknown of his inspection lane assignment;
8. On or about March 2, 2019, the Defendant corruptly allowed others known and unknown to unlawfully move and transport aliens through the IH-35 checkpoint;
9. On or about March 2, 2019, the Defendant, and others known and unknown, received monetary compensation and payment for their smuggling activities;
10. On or about March 10, 2019, the Defendant, using a cellular phone, informed others known and unknown of his inspection lane assignment;
11. On or about March 10, 2019, the Defendant corruptly allowed others known and unknown to unlawfully move and transport aliens through the IH-35 checkpoint;
12. On or about March 10, 2019, the Defendant, and others known and unknown, received monetary compensation and payment for their smuggling activities;
13. On or about March 23, 2019, the Defendant corruptly allowed others known and unknown to unlawfully move and transport aliens through the IH-35 checkpoint;
14. On or about March 23, 2019, the Defendant, and others known and unknown, received monetary compensation and payment for their smuggling activities;
15. On or about March 26, 2019, the Defendant, using a cellular phone, informed others known and unknown of his inspection lane assignment; and
16. On or about March 26, 2019, the Defendant corruptly allowed others known and unknown to unlawfully move and transport aliens through the IH-35 checkpoint.

In violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and (v)(I).

**COUNT TWO**

On or about **March 26, 2019**, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

**RODNEY TOLSON, JR.,**

knowing and in reckless disregard of the fact that FLORENTINO ANTONIO-APOLONIO, was an alien who had come to, entered, and remained in the United States in violation of law, did transport and move and attempt to transport and move such alien, within the United States, by means of transportation and otherwise, in furtherance of such violation of law, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and (v)(II).

**COUNT THREE**

On or about **March 26, 2019**, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

**RODNEY TOLSON, JR.,**

knowing and in reckless disregard of the fact that SILVINO VENANCIO-VICENTE, was an alien who had come to, entered, and remained in the United States in violation of law, did transport and move and attempt to transport and move such alien, within the United States, by means of transportation and otherwise, in furtherance of such violation of law, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and (v)(II).

A TRUE BILL:

FOREMAN OF THE GRAND JURY

JENNIFER B. LOWERY  
ACTING UNITED STATES ATTORNEY

José A. Moreno

José Angel Moreno  
Assistant United States Attorney

USA-74-24b  
(Rev. 6-1-71)

**CRIMINAL DOCKET**  
NO. **5:21-cr-952**

LAREDO DIVISION

FILE: 2020R06716

MAG#: 5:21-MJ-00000

INDICTMENT

Filed: May 18, 2021

Judge: \_\_\_\_\_

UNITED STATES OF AMERICA

VS.

ATTORNEYS:

JENNIFER B. LOWERY, ACTING USA  
José Angel Moreno, AUSA

**RODNEY TOLSON, JR.**

**CHARGES:**

Count.1: Conspiracy to transport an undocumented alien within the United States  
[8 USC 1324 (a)(1)(A)(ii) and (v)(I)]

Counts. 2-3: Transport and Attempt to transport an undocumented alien within the United States for financial gain  
[8 USC 1324(a)(1)(A)(ii) and (v)(II)]

**TOTAL COUNTS: 3**

**PENALTY:**

Counts 1 to 3: 0 to 10 years and/or \$250,000 Fine, \$100 special assessment, \$5,000 special assessment, not more than a three (3)-year term of supervised release [Each Count]

In Jail:

On Bond:

Name & Address of Surety:

No Arrest: